

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,112,514
Issued : September 5, 2000
Application No. : 09/159,634
Filed : September 24, 1998
For : Fan Noise Reduction From Turbofan Engines Using Adaptive Herschel-Quincke Tubes

Petition Requesting An In-Person Meeting to Clarify Issues in USPTO Decision

Mail Stop Petition
Commissioner for Patents P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Request for an in-person meeting to clarify points raised in the 23 October 2012 Decision of Senior Attorney Paul Shanoski of the Office of Petitions. The Decision finds Petitioner's 23 January 2012 Petition to be deficient and notes thirteen points that need further response from Petitioner. Several of the thirteen ask for information, but it is not clear what information is being requested. For example, the second point in the Decision states that

2. Petitioner has not provided statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them: a statement from the individual responsible for maintaining the docketing system at the Whitham law firm has not been located in the electronic file. (Decision, page 9 of 11.)

Michael Whitham at the Whitham law firm was responsible for maintaining the docketing system at the Whitham law firm. His Declaration (filed with the Petition on 23 January 2012) has been provided. No other person at the Whitham firm has any knowledge of the delay in payment of the second maintenance fee for the '514 patent. Because Michael

Whitham's statement is in the record it is not clear why this question is posed and what information is being sought that has not already been provided.

Another example is the third point in the Decision which states that

3. Petitioner has not provided a thorough explanation of the docketing and call-up system in use by VTIC, and has provided no explanation of the system in use by the Whitham firm. (Decision, page 9 of 11.)

The system in use by VTIP is the Inteum C/S System which is discussed in the Petition and in the Declarations of Mark Coburn and Debra Lucas (both filed with the Petition). As explained at paragraph 4 of Mark Coburn's Declaration "Inteum C/S is recognized in the industry as an excellent management tool for tracking patent due dates including maintenance fee due dates and is in use at over 400 sites worldwide." Petitioner does not understand what specific information (other than that already provided) about VTIP's Inteum C/S System needs to be provided. The Inteum C/S System is a computer tracking program provided by the Inteum Company and Petitioner does not really have any technical information about the computer design and/or software that operates the Inteum C/S System. It is not understood what docketing and call-up system information would be relevant to the docketing error that caused the failure to pay the second maintenance fee.

Regarding the system in use by the Whitham firm, the Whitham firm was not responsible for the docketing error by VTIP paralegal Debra Lucas and it is not understood what information is being sought from the Whitham firm that would bear on the failure to pay the second maintenance fee. A meeting wherein some guidance as to what information is sought is hereby requested.

Another example is the fourth point in the Decision which states that

4. Petitioner has provided an identification of the type of records kept by VTIC, but not the type of records kept by the Whitham firm. (Decision, page 9 of 11.)

As discussed in the Petition, the Whitham firm had no responsibility for the failure to pay the second maintenance fee in the '514 patent. The undersigned is aware of the importance to submit all relevant information to the USPTO so that there can be proper resolution of whether to accept the second maintenance fee. However, since the Whitham firm was not responsible for the docketing error by VTIP paralegal Debra Lucas, it is not understood what information is being sought from the Whitham firm. Clarification at an in-person interview is requested so that

all information related to the error which caused the failure to pay the second maintenance fee can be provided.

Conclusion

Other similar questions remain and Petitioner asks that Senior Attorney Paul Shanoski (and/or other Office of Petitions person(s)) meet with the undersigned counsel (and Mark Coburn) to discuss the information being sought by the above-noted Decision so that all necessary information can be provided whereby resolution of the remaining issues. It is suggested that the meeting occur at the USPTO on any of 17-20 December 2012. For all of the above reasons, approval of this meeting is respectfully requested.

A fee for this petition does not appear to be necessary, however, the Commissioner is hereby authorized to charge any required, or credit any overpayment, to Deposit Account No. 02-1010, referencing Docket No. 55820-49375.

Any questions may be directed to the undersigned.

Please direct the response to this Request For An In-Person Meeting to the undersigned.

Respectfully submitted,



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